

BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of:

**Logan and Northern Irrigation Company
c/o Jon Meikle, Lyle D. Thornley**

RESPONDENT

MEASURING DEVICE AND CONTROL STRUCTURE NOTICE

SEAA No. 1435
DISTRIBUTION ACCOUNTS: Logan River
101090,101095

WATER RIGHTS: 25-6110, 25-6112, 25-
6111, 25-3056 Logan & Northern Irrigation
Company

I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-4 states in part :

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.

(3) The state engineer shall approve the design of:

- (a) the measuring device; and*
- (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works. ...*

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

U.C.A. § 73-1-9 states :

When two or more persons are associated in the use of any dam, canal, reservoir, ditch, lateral, flume or other means for conserving or conveying water for the irrigation of land or for other purposes, each of them shall be liable to the other for the reasonable expenses of maintaining, operating and controlling the same, in proportion to the share in the use or ownership of the water to which he is entitled.

II. STATEMENT OF FACTS

1. Logan and Northern Irrigation Company (Respondent) diverts water from the Logan River under Utah Water Right Numbers: 25-3056, 25-6110, 25-6111, and 25-6112.
2. After the canal failure near Utah State University in 2009, the quantity of water diverted into the canal has been greatly reduced and most of the company water is now being diverted upstream in the Logan Hyde Park Smithfield Canal.
3. A relatively small quantity of water continues to be diverted and delivered into the Logan and Northern Canal at the head of the canal to satisfy the shareholders near the upstream end of the canal.
4. The Logan and Northern Canal flume used by the commissioner to measure the Logan River diversions is designed to measure much higher flows (3-60 cfs) than are being delivered. The canal now diverts only about 3 cfs at the head of the canal.
5. The Logan River Commissioner estimates the flow at this diversion because the flume is too large to accurately measure the low flows.
6. A smaller suitable measuring device is necessary to enable the commissioner to obtain an accurate water measurement of water delivered into the canal.
7. The Division of Water Rights may use telemetry to monitor/record the measured flow into the canal.
8. The existing stilling well and recording equipment may record the flow if a suitable measuring device is properly installed and connected to the stilling well, and the Respondent provides the commissioner with an appropriate rating table for the staff gage in the stilling well.
9. The flow record of this canal diversion is an important part of the Logan River Distribution System operation.

III. ACTIONS REQUIRED

1. Because the flow is greatly reduced, the existing 8-ft flume must be replaced or retrofitted with a smaller measuring device capable of providing a more reliable measurement when measuring flows ranging from about 0-4 cfs. The new rating table must be calibrated to a staff gage installed in the existing stilling well or a new stilling well must be constructed to properly secure the electronic flow recording equipment. The applicable rating table should also be provided to the water commissioner to enable the proper flow measurements to be obtained from the stilling well gage readings.
2. This measuring device must be constructed in such a manner that the finished product complies with accepted and established water measurement standards and guidelines.
3. **This work must be completed before diverting water in 2012. Irrigation season begins April 15, 2012.**

IV. ADDITIONAL AGENCY ACTION

1. The Respondents are encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondents have complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (5).
3. If an Order forbidding the use of water is issued and is violated by the Respondents, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation an Order, the Respondents may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted without right. In addition, the Respondents may be liable for expenses incurred by the Division in investigating and stopping the violation.

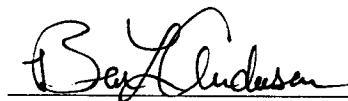
V. FURTHER INFORMATION

If the Respondents have any questions concerning this Notice, state laws and rules, or the required and recommended action, please discuss them with:

Will Atkin, P.E.
Regional Engineer
Logan Office/Northern Region
Utah Division of Water Rights
(435) 752-8755

Ben Anderson, P.E.
Water Rights Distribution Engineer
Utah Division of Water Rights
(801) 538-7469
1594 W North Temple Ste 220
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dated this 23rd day of February, 2012



Ben Anderson, P.E.
Water Rights Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 23rd day of February, 2012, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Logan and Northern Irrigation Company
Attn: Jon Meikle
4650 North 1000 East
Smithfield, UT 84335

Logan and Northern Irrigation Company
Attn: Lyle D. Thornley
3700 South 450 West
Logan, UT 84321

Kelly Horne
Kelly Horne
Field Services Secretary
Utah Division of Water Rights

cc: Will Atkin, Regional Engineer
Colleen Gnehm, Logan River Water Commissioner

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
0308 2040 0001 6219 8813

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Logan & N. Irr. Co.
Jon Meikle
4650 N 1000 E, Smithfield UT 84335

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0308 2040 0001 6219 8806

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Article Sent To: (to be completed by mailer)

Logan & N. Irr. Co.
Lyle D Thornley
3700 S. 450 W Logan UT 84321

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